

**TIPPECANOE COUNTY
BOARD OF COMMISSIONERS,
TIPPECANOE COUNTY, INDIANA**

ORDINANCE 2000-42-CM

ORDINANCE TO VACATE TWO PUBLIC WAYS

WHEREAS, Petitioner, KERKHOFF BROTHERS LLC, an Indiana Limited Liability Company, by its Managing Member, PHILIP J. KERKHOFF, has petitioned the Board of Commissioners of Tippecanoe County, Indiana, on May 23, 2000, pursuant to I.C. 36-7-3-12 to vacate two (2) public ways; and

WHEREAS, Petitioner has shown that Petitioner is the owner of Lots numbered I through 11 in the Original Plat of Granville, Deed Record Book E Page 562, as recorded August 23, 1834, which Lots are bordered on the North by County Road 75 South and Petitioner is the owner of all land that abuts the proposed public ways to be vacated to the West, South and East, identified by Key Numbers 140-01400-0093; 140-04600-0017; 140-04500-0018; and 140-04400-0063; and

WHEREAS, Petitioner has shown that the two (2) public ways to be vacated, as shown on the Original Plat of the Town of Granville, being West Street and Wabash Street have never been constructed or otherwise used at any time after platting in 1834, are in farm land and should be vacated; and

WHEREAS, as this body has held a hearing on said Petition within thirty (30) days after it was received after having given notice of such Petition and of the time and place of the hearing in the manner prescribed in I.C. 5-3-1 but that certified mail to each owner of land that abuts the property proposed to be vacated was unnecessary in that Petitioner is such owner and has waived notice according to I.C. 36-7-3-12(c)(2); and

WHEREAS, the Petitioner has paid the expenses of providing this Notice; and

WHEREAS, at such hearing held on June 19, 2000, no persons appeared or claimed to be aggrieved by the proposed vacation or objected to vacation of such two (2) public ways; and

WHEREAS, the Tippecanoe County Board of Commissioners finds that such vacation would not hinder growth or the development of the unit or neighborhood in which such streets are located or to which they are contiguous, nor would the vacation make access to the lands of any person by means of public way difficult or inconvenient or hinder the public's access to a church, school or other public building or place or otherwise hinder the use of a public way by a neighborhood in which it is located or to which it is continuous.

NOW THEREFORE BE IT ORDAINED by the Tippecanoe County Board of Commissioners that:

The two (2) public ways heretofore known as West Street and Wabash Street as shown on the Original Plat of Granville, appearing in Deed Record Book E Page 562, as recorded August 23, 1834, which lots are bordered on the North by County Road 75 South and to the West, South and East by lands of Petitioner, KERKHOFF BROTHERS LLC, and being identified by Key Numbers 140-01400-0093; 140-04600-0017; 140-04500-0018; and 140-04400-0063 should be and the same are now hereby vacated.

This Ordinance shall be in full force and effect from and after its passage and signed by the President of the Tippecanoe County Board of Commissioners.

Within thirty (30) days after the adoption of this Ordinance, any aggrieved person may appeal the Ordinance to the Tippecanoe Circuit Court and the Court shall try the matter *de novo* and may award damages all as provided in I.C. 36-7-3-12(f).

PASSED AND ADOPTED BY THE TIPPECANOE COUNTY BOARD OF COMMISSIONERS ON
JUNE 19, 2000.

RUTH SHEDD, PRESIDENT

JOHN KNOCHER, VICE PRESIDENT

KATHLEEN HUDSON, MEMBER

ATTEST:

ROBERT A. PLANTENGA, AUDITOR